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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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## FCC PROPOSES RULE CHANGES TO IMPROVE DECISION-MAKING AND EFFICIENCY, PROMOTE PARTICIPATION IN FCC PROCEEDINGS

### *Agency Seeks Public Comment on Proposals to Reform Its Procedures*

Washington, DC – The Federal Communications Commission has proposed revisions to its rules as part of its larger effort to reform and transform the agency into a model of excellence in government. In two notices of proposed rulemaking approved today, the FCC seeks public comment on revisions to rules governing Commission practice and procedure, and its “*ex parte*” rules dealing with communications between stakeholders and decision-makers at the agency.

***The Procedures NPRM.*** In one notice of proposed rulemaking, the Commission proposes changes to its procedural and organization rules concerning reconsideration of agency proceedings and case management, as well as other miscellaneous procedural rules. The proposals are designed to enhance efficiency and reduce backlogs, improve the transparency and openness of FCC proceedings by making it easier for interested persons to follow and participate in the process, and reduce confusion by the public about certain deadlines. The major proposals in the NPRM include:

#### Improving Case Management:

- Leverage electronic resources to expand the use of docketed proceedings and maximize electronic filing through the Commission’s improved Electronic Comment Filing System
- Delegate authority to the staff to terminate inactive dockets
- Delegate authority to the staff to serve parties to FCC proceedings electronically

#### Streamlining Reconsideration of Agency Proceedings:

- Delegate authority to bureau and office chiefs to dismiss or deny defective or repetitious reconsideration petitions that do not warrant consideration by the full Commission
- Amend the rule which permits the Commission, on its own motion, to reconsider any FCC action within 30 days of public notice of that decision to make clear that the Commission may *modify* its decision, not merely set it aside or vacate it

### Clarifying Deadlines:

- Amend procedural rules to make clear that when an FCC rule or order requires action by the Commission on a weekend or holiday, the action must be taken by the next business day
- Adopt a default effective date for new rules when the FCC does not specify an effective date in the relevant rulemaking orders.

***The Ex Parte NPRM.*** In the second notice of proposed rulemaking, the Commission proposes changes to its rules governing disclosure of communications with Commission staff and decision makers, when all parties to a proceeding are not present (so-called *ex parte* communications). Building on suggestions and recommendations made by participants at a public workshop held in October 2009, and based on its own experience with the disclosure rules, the FCC proposes rule changes designed to make the Commission’s decision-making processes more open, transparent, fair, and effective. The major proposals in the NPRM include:

### Improving the Completeness, Accuracy, and Timeliness of Disclosure:

- Require the public filing of a summary of *every* oral *ex parte* presentation; under current rules, a summary does not need to be filed unless information or arguments are presented for the first time
- Require the filing of a notice that summarizes all data and arguments presented
- Establish a preference for electronic filing of all notices of *ex parte* presentations
- Require faster electronic filing, within four hours, of notices of permitted *ex parte* presentations made during the “Sunshine Period” – which typically begins a week before a public Commission Meeting, for those items on the Meeting agenda

### Sunshine Period Issues:

- Seek comment on whether current exceptions to the Sunshine Period’s prohibition on *ex parte* presentations should be narrowed or modified to prevent abuse and promote fairness
- Start the Sunshine Period prohibition at midnight after a Sunshine notice has issued

### Disclosure Statements:

- Seek comment on whether to require disclosure of ownership or other information in filings at the Commission, including adopting various disclosure requirements currently used by federal courts, and the extent to which ownership information already available to the FCC may suffice

Sanctions and Enforcement:

- Seek comment on sanctions and enforcement concerning violations of the *ex parte* rules

New Media:

- Seek comment on how the *ex parte* rules should apply in the context of new media, such as Internet blog postings.

Action by the Commission February 18, 2010 by Notice of Proposed Rulemaking (FCC 10-32). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker with Chairman Genachowski and Commissioners Copps, McDowell and Clyburn issuing separate statements (Procedures NPRM)

Action by the Commission February 18, 2010 by Notice of Proposed Rulemaking (FCC 10-31). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker with Chairman Genachowski and Commissioners Copps, McDowell and Clyburn issuing separate statements (Ex Parte NPRM)

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